

The Palmer Law Firm P.C.
6605 Grand Montecito Pkwy, Suite 100
Las Vegas, Nevada 89149
Phone (702) 952-9533

RAELENE K. PALMER, ESQ.
Nevada Bar No. 8602
THE PALMER LAW FIRM, P.C.
6605 Grand Montecito Pkwy
Suite 100
Las Vegas, Nevada 89149
Phone: (702) 952-9533
Email: rpalmer@plflawyers.com
Attorney for Plaintiff Brian Borenstein

ROBERT S. MELCIC
Nevada Bar No. 14923
4930 Mar Vista Way
Las Vegas, Nevada 89121
Phone: (702) 526-4235
Fax: (702) 386-1946
Email: Robert_Melcic@hotmail.com
Attorney for Plaintiff Brian Borenstein

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN BORENSTEIN, an individual,

Plaintiff

vs.

THE ANIMAL FOUNDATION, et al.,

Defendants

Case No.: 2:19-cv-00985-CDS-NJK

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' CCAC AND VICTOR
ZAVALA'S MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

(THIRD REQUEST)

[ECF No. 371]

COMES NOW Plaintiff, Brian Borenstein, by and through his counsel, Raelene K. Palmer, Esq. of The Palmer Law Firm, P.C., and Robert S. Melcic, Esq., and hereby moves for an enlargement of time to file his *Opposition to Defendants' CCAC and Victor Zavala's Motion to Dismiss Plaintiff's Third Amended Complaint*. This motion is brought with the following *Memorandum of Points and Authorities*, the papers and pleadings on file in this case, and any further briefing or oral argument

requested from the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff is seeking a four-day extension to file his Opposition to Defendants' Clark County Animal Control and Victor Zavala's motion to dismiss.

II. RELEVANT PROCEDURAL HISTORY

On August 23, 2023, Defendants Clark County Animal Control and Victor Zavala filed their Motion to Dismiss Plaintiff's Third Amended Complaint. This set an original deadline for Plaintiff to file his opposition on September 6, 2023. However, due to additional work in this and other cases Plaintiff was forced to seek two extensions setting the current deadline on September 29, 2023.

III. LEGAL ANALYSIS

Federal Rule of Civil Procedure 6(b)(1)(A) provides in pertinent part:

(b) EXTENDING TIME.

(1) *In General.* When an act may or must be done within a specified time the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires;

Fed. R. Civ. P. 6(b)(1)(A). Plaintiff seeks a four-day extension of time to file his opposition.

A. Plaintiff Has Good Cause for an Extension of Time.

Plaintiff's counsel had believed the opposition would be done by September 29, 2023, however, it is only eighty percent complete as of 11:00 p.m., on September 29, 2023. As a result, Plaintiff is requesting additional time to complete his opposition. While Plaintiff would generally seek only a one-day extension, Plaintiff must take the deposition of The Animal Foundation in this case, on Monday October 2, 2023. Plaintiff's counsel must spend significant time preparing for this deposition and will not be able to complete Plaintiff's opposition by Monday. After Monday, Plaintiff must prepare for an early neutral evaluation for another matter in federal court, scheduled for Wednesday, October 4, 2023. These factors in addition to other case matters require that Plaintiff seek a four-day extension to

complete Plaintiff's opposition. Plaintiff anticipated that the opposition would be completed on this day, and therefore did not request CCAC to stipulate to this additional short extension before the close of business. Nevertheless, Plaintiff does not believe that CCAC would object to this extension. This request to extend the deadline from September 29, 2023 to October 5, 2023, is made in good faith and not for purposes of delay.

IV. CONCLUSION

Based on the foregoing, Plaintiff respectfully requests the Court to grant him a four-day extension of time to file his *Opposition to Defendant's Motion to Dismiss Plaintiff's Third Amended Complaint*, from September 29, 2023, to October 5, 2023.

Dated this 29th day of September 2023.

THE LAW OFFICE OF ROBERT S. MELCIC

/s/ Robert S. Melcic

ROBERT S. MELCIC
Nevada Bar No. 14923
3315 E. Russell Rd.
Ste. A4-271
(725) 577-8013

Attorney for Plaintiff Brian Borenstein

ORDER

IT IS SO ORDERED. The motion is granted, *nunc pro tunc*, to the date of the request.

IT IS FURTHER ORDERED that any future requests for an extension of time to file an opposition to defendant's motion to dismiss plaintiff's third amended complaint will require a hearing.

DATED: October 2, 2023


UNITED STATES DISTRICT JUDGE